

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 ***

4 ENERKON SOLAR INTERNATIONAL, INC.,

5 Plaintiff,

6 v.

7 JOHN V. CAPPELLO, et al.,

8 Defendants.
9
10

2:21-cv-01122-JCM-VCF

ORDER TO SHOW CAUSE

11 Before the court is *Enerkon Solar International, Inc. v. John V. Cappello, et al.*, case number 2:21-
12 cv-01122-JCM-VCF.

13 On August 18, 2022, the court scheduled an in-person hearing on the motion to withdraw as
14 counsel (ECF No. 79) for August 25, 2022. (ECF No. 81). The court ordered that an officer, director, or
15 managing agent for Enerkon Solar must appear in person for the scheduled hearing. Plaintiff's counsel
16 advised the court on August 22, 2022, that the principles of Enerkon Solar are out of state. The scheduled
17 in-person hearing was rescheduled to a video conference hearing on August 25, 2022. (ECF NO. 82).

18 On August 25, 2022, the court held video conference hearing. Plaintiff's counsel H. Stan Johnson
19 appeared. Darwin Maury Rygg, III, Esq. appeared for defendant. A representative from Enerkon Solar
20 failed to appear for the scheduled video conference. (ECF No. 83).

21 Pursuant to Local Rule IA 11-8, "[t]he Court may, after notice and opportunity to be heard, impose
22 any and all appropriate sanctions on an attorney or party who, without just cause: (a) Fails to appear when
23 required for pretrial conference, argument on motion, or trial; (b) Fails to prepare for a presentation to the
24 Court; (c) Fails to comply with these Rules; or, (d) Fails to comply with any order of this Court."

25 Here, Plaintiff Enerkon Solar failed to comply with the Court's Order (ECF Nos. 81 and 82).

1 Accordingly,

2 IT IS HEREBY ORDERED that an in-person show cause hearing is scheduled for **1:00 PM,**
3 **October 18, 2022**, in Courtroom 3D, at the Lloyd D. George Federal Courthouse, 333 Las Vegas Blvd.
4 South, Las Vegas, Nevada 89101.

5 IT IS FURTHER ORDERED that an officer, director, or managing agent for Plaintiff Enerkon
6 Solar International, Inc., must appear in-person for the show cause hearing, scheduled for **1:00 PM,**
7 **October 18, 2022.**

8 IT IS FURTHER ORDERED that on or before **October 4, 2022**, Plaintiff Enerkon Solar
9 International, Inc. must file with the court a response showing cause as to why sanctioned should not
10 imposed for failing to comply with the Court's Order (ECF Nos. 81 and 82). Should Plaintiff Enerkon
11 Solar fail to file a response as ordered and/or fail to appear at the **October 4, 2022 hearing**, the
12 undersigned Magistrate Judge may impose sanctions and/or recommend dismissal.

13 The Clerk of Court is directed to email a copy of this order to Enerkon at
14 info@enerkoninternational.com and mail a copy of this order to Enerkon Solar International, Inc. at the
15 address below:

16 Enerkon Solar International, Inc.
17 477 Madison Ave #6834
18 New York, NY 10022

19 DATED this 26th day of August 2022.

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21 CAM FERENBACH
22 UNITED STATES MAGISTRATE JUDGE
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